

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID F. KELLY BEY,	:	
Plaintiff	:	
	:	
v.	:	No. 1:20-cv-1241
	:	
	:	(Judge Rambo)
WILLIAM BECHTOLD, <i>et al.</i>,	:	
Defendants	:	

ORDER

AND NOW, on this 22nd day of June 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT**:

1. The motion to dismiss (Doc. No. 36) filed by Defendants Bechtold and Weller is **GRANTED** in its entirety;
2. The motion to dismiss filed by Defendants Lensbower and Kneal (Doc. No. 34) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. The motion (Doc. No. 34) is **GRANTED** with respect to Plaintiff's Eighth and Fourteenth Amendment claims against Defendant Lensbower and Plaintiff's official capacity claims against Defendant Kneal;
 - b. The motion (Doc. No. 34) is **DENIED** with respect to Plaintiff's Eighth and Fourteenth Amendment individual capacity claims against Defendant Kneal;
3. Because the Court has resolved Plaintiff's claims against them, and because Plaintiff is not given leave to file a second amended complaint, Defendants Bechtold, Weller, and Lensbower are **DISMISSED**, and the Clerk of Court is **DIRECTED** to terminate them as Defendants in this action;

4. The above-captioned case will proceed as to Plaintiff's Eighth and Fourteenth Amendment individual capacity claims against Defendant Kneal;
5. Defendant Kneal is directed to file an answer to the amended complaint (Doc. No. 29) within fourteen (14) days of the date of this Order; and
6. The parties are directed to complete discovery within six (6) months of the date on which Defendant Kneal files his answer.

s/ Sylvia H. Rambo
United States District Judge